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Hearing Date:	June 15, 2006
Commission Action:	

**STAFF REPORT: REGULAR CALENDAR
COASTAL DEVELOPMENT PERMIT APPLICATION**

APPLICATION NO.:	2-06-002
APPLICANT:	San Mateo County Harbor District
LOCAL GOVERNMENT:	San Mateo County
PROJECT LOCATION:	One Johnson Pier (Pillar Point Harbor), San Mateo County, APN 047-083-060 & 047-390-020
PROJECT DESCRIPTION:	Repair and maintenance of Johnson Pier.
LOCAL APPROVALS RECEIVED:	CEQA Categorical Exemption
SUBSTANTIVE FILE DOCUMENTS:	Appendix A

1.0 EXECUTIVE SUMMARY

The San Mateo County Harbor District proposes repair and maintenance to Johnson Pier to correct and improve the strength of the deck for truck loading, and to minimize future loading damages at the Pillar Point Harbor in San Mateo County. Proposed work includes: (1) repair of cracked piles; (2) repair of pile caps and beams; (3) removal of 4" of concrete in closure pours between pre-cast deck panels, lowering of steel to obtain more concrete cover, installation of zinc anodes, and recasting of closure pours using a concrete repair product; (4) application of a penetrating corrosion inhibitor to the entire deck; (5) application of an inorganic surface treatment to the deck; (6) additional repairs to correct concrete deterioration; (7) installation of stainless steel drain sleeves to existing drains to dry up slab, beams, pile caps, and piles; and (8) replacement of existing trapeze utility supports under the pier.

Commission staff recommends approval of the permit with conditions to prevent impacts to water quality and the marine environment (construction debris removal and chemical control) and to minimize interference with public access during project construction. The applicant proposes to use several materials and chemicals for the Johnson Pier repair work, including cement and repair mortar compounds, epoxy, corrosion inhibitors, and concrete sealer. Because of the location of the pier directly above the waters of the harbor, the potential exists for concrete removed from the structure and other debris, as well as chemicals to fall or be discharged into Pillar Point Harbor. Allowing such debris or materials to enter the waters could adversely affect water quality and marine organisms, inconsistent with Coastal Act Section 30231 and 30232. To protect water quality and prevent these materials from entering the ocean during the project, **Special Condition 1** requires the applicant to incorporate specific best management practices (BMPs) to prevent debris, chemicals, or other materials from entering coastal waters. In addition **Special Condition 2** requires the submittal of a revised spill prevention and cleanup plan specifying the actions to be taken in the event of an accidental spill of construction materials and oil and fuel products. As conditioned, the proposed project would protect the biological productivity and the quality of coastal waters in conformity with Section 30230, 30231 and 30232 of the Coastal Act.

In addition, in order to ensure that adequate parking space is reserved for the public and that the pier itself remains open to the public, staff recommends that the Commission impose **Special Condition No. 3**, which requires that the pier, parking lot, and beach area remain open to the public for use during daylight hours, except for those areas under construction and the 16 – parking spaces to be used for construction staging, and that the construction staging areas be clearly delineated on the site. As conditioned, the proposed project would provide for maximum public access to the harbor throughout project construction taking into account the capacity of the site to sustain use, consistent with Coastal Act Sections 30210 and 30214.

2.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application Number 2-06-002.

Motion: I move that the Commission approve Coastal Development Permit Application No. 2-06-002, subject to the conditions specified below.

Staff Recommendation of Approval

The staff recommends a YES vote. To pass the motion, a majority of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

Resolution

The Coastal Commission hereby **grants** permit No. 2-06-002, subject to the conditions below, for the proposed development on the grounds that (1) the development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and (2) there are no feasible alternatives or feasible mitigation measures other than those specified in this permit that would

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substantially lessen any significant adverse impact which the activity may have on the environment.

2.1 Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

2.2 Special Conditions

1. Construction Responsibilities, Debris Removal, and BMPs

The Permittee shall not allow discharge of any materials into coastal waters as a result of this project. By acceptance of this permit, the Permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following best management practices (BMPs).

- A. The application of Surtreat TPS II and IV shall be roller-applied to the underside of the deck, and may be spray-applied to the top surface of the deck only if applied with a low-pressure pump sprayer to avoid the occurrence of misting.
- B. The application of Sikadur 22 shall be conducted as follows: All holes in the deck shall be plugged. The deck shall then be cleaned using a ball-shot self-vacuuming machine. Next, plastic shall be laid down to mask off the areas that will not receive epoxy treatment and then Sikadur 22 shall be applied in the appropriate areas. Following application, plastic shall be removed from the work area, and the deck shall be cleaned using a ball-shot self-vacuuming machine to contain waste.
- C. The underside of the slab shall be sealed during the installation of drain sleeves in the fish buyers' area to prevent epoxy from leaking into the harbor.

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- D. All construction to the underside of the pier shall be conducted from scaffolding suspended from squeeze collars around the pier piles. The scaffolding shall be sufficiently wide to cover all areas of work and catch debris. In areas where repairs will be conducted on the edge of the pier, the scaffolding shall extend from the outside of the deck by three feet. Tarps, netting or other, similar containment devices shall be installed below all scaffolding to capture and contain debris and construction materials and prevent such debris and materials from falling into the ocean. The scaffolding shall be covered by a tarp during application of Surtreat and concrete.
- E. During all construction to the top of the pier, all drains shall be plugged to prevent debris and other construction materials from falling into the harbor. Plywood walls shall be set up around all work along the edge of the pier to prevent any debris or construction materials from falling into the harbor.
- F. During all concrete mixing on the scaffolding below the pier, scaffolding shall be covered by a tarp and all concrete shall be contained to the scaffolding. A curb shall be constructed on the scaffolding around the concrete mixing area for containment. For concrete mixing on top of the pier, tarp shall be laid down and wood beams shall be placed around the perimeter of the mixing area to contain all concrete materials.
- G. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion. Construction materials shall be stored on pallets, under cover and in secondary containment whenever possible. When not in use, all hazardous materials shall be covered and sealed.
- H. Public roadway surface adjacent to the construction entrances shall be swept at the end of each day to remove sediment and/or other construction materials deposited due to the construction activities.
- I. Any and all debris resulting from construction activities shall be removed from pier area on a daily basis and disposed of at an appropriate location.
- J. The deck shall be cleaned at the end of each day when deck surface repairs are conducted to remove sediment and/or construction materials deposited due to the repair activities.
- K. Mobile fueling of construction equipment and vehicles on and around the construction site shall be prohibited. Fueling shall be done off-site or on-site in confined areas specifically designed to contain runoff and, at a minimum, 50 feet away from all drainage courses and waterways.
- L. Staging and storage of construction machinery, concrete rehabilitation products, debris, and other materials shall take place in the overflow parking area south of the trailer parking area, and may not take place on the pier or the beach.

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- M. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- N. Construction vehicles shall be maintained and washed in confined areas specifically designed to control runoff and located more than 100 feet away from the mean high tide line.
- O. Sanitary facilities shall be provided for construction workers.
- P. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- Q. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- R. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material remains on the beach or in the water, and that the project has not created any hazard to navigation.

2. **Spill Prevention, Control, and Countermeasure Plan**

The Permittee shall undertake development in accordance with the “Spill Prevention, Control and Countermeasures (SPCC) Plan: Johnson Pier Rehabilitation Project, San Mateo County Harbor District, Half Moon Bay, California, prepared by L. Charles Gehlert PE, Dutra Construction Co., Inc.”, dated May 22, 2006 and received by the Commission on May 24, 2006. Any proposed changes to the plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Public Access During Construction**

The pier, parking lot, and beach area adjacent to the pier shall remain open for public use during daylight hours while the development that is the subject of this permit is taking place, except for those areas under construction and the two parking spaces to be used for construction staging as generally depicted on Exhibit 4. The contractor’s trailer shall be located in the paved parking area just south of the pier and northwest of the overflow parking/beach area as depicted in Exhibit 4, and shall occupy no more than two vehicle parking spaces. The two displaced handicapped accessible spaces shall be temporarily re-located to two “two hour” parking spaces as depicted on Exhibit 4. Construction worker parking shall be limited to six spaces in the C lot and shall be clearly delineated.

4. U.S. Army Corps of Engineers Approval

PRIOR TO COMMENCEMENT OF DEVELOPMENT, the permittee shall provide to the Executive Director a copy of a permit or letter of permission issued by the U.S. Army Corps of Engineers, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any proposed changes to the approved project required by the U.S. Army Corps of Engineers. Such proposed changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3.0 FINDINGS AND DECLARATIONS

3.1 Project Location and Site Description

The proposed project is located on Johnson Pier in Pillar Point Harbor, in the unincorporated Princeton Area of San Mateo County, California (exhibit 1).

The pier was constructed in 1962. It provides access to floating docks, fueling facilities, fish handling, and berthing facilities for fishing boats. The pier supports truck and forklift operations for fish handling and sales. Passenger vehicles also park along the east side of the pier. It is protected from the Pacific Ocean wave climate by a breakwater system, and, consequently, the wave loads on the pier are relatively minor. The pier does see heavy traffic loading from trucks and forklifts. Forklift operations are primarily confined to the outboard end of the pier, while truck traffic is throughout (exhibit 2).

The shore-normal trestle portion of the pier is approximately 575 feet in length, and the shorter shore parallel (outboard) section approximately 250 feet in length. The pier is 28-feet-wide except at the far end, where it widens to 75 feet. Precast prestressed batter pile bents, spaced at 24 feet on center, support the pier. The deck is constructed of 12-inch-thick (non-prestressed) precast concrete planks connected together and/or to the pile caps with cast-in-place concrete closure pours. There are seven gangways leading from the deck level to floating docks. The outboard widened portion of the pier houses a fish buyers building and a wooden building for fish unloading and processing. A timber dock is located adjacent to the concrete pier near this building. There is also a fuel dock and fueling floats located along the outboard narrower portion of the structure at the east corner. A portion of the fueling dock is supported by timber piles and caps.

3.2 Project Description

The existing Johnson Pier is in a deteriorated condition and requires rehabilitation and protection from future damage. Repair work would be staged in two separate phases to avoid closing the pier to the public. Phase 1 would consist of repair to the east side of the deck, and phase 2 would consist of repair to the west side. A ten-foot-wide lane would be maintained throughout the project. The proposed project consists of eight primary repair and maintenance activities:

- 1) Repair of six piles in the vicinity of the fish buyers' area:

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As proposed, the contractor would work from scaffolding or floats below the pier deck. For scaffolding, squeeze collars clamped onto the piles would be used to support the scaffolding for under deck repairs. Concrete would be chipped away using hand tools to expose the sound core of the piles. Steel would be cleaned using wire brushes, power wire brushing and grinders. The repairs would generally occur above the mean lower low water (MLLW) however they could extend up to 3" below the MLLW line. For each pile, when the core is adequately prepared, new steel would be placed, a form installed and concrete placed through ports in the top of the form. Forms would be removed cleanly from the repaired pile. As proposed, the scaffolding or float underneath the pier would catch debris from this activity.

2) Repair of ten pilecaps and beams:

As proposed, the contractor would work from the scaffolding or float (described above) below the pier deck to chip away concrete on the underside of the deck and expose the sound core of the pile caps or beams. For each pilecap or beam, when the core is adequately prepared, new steel would be placed, a form installed and concrete placed through ports in the top of the form. Forms would be removed cleanly from the repaired pile cap or beam. As proposed, the scaffolding or float would catch debris from this activity.

3) Removal of the top four inches of concrete in the majority of closure pours between the precast deck panels, lower the steel to obtain more concrete cover, install zinc anodes, and recast the closure pours using silica fume concrete or a proprietary concrete repair product:

The majority of these repairs would occur on the topside of the deck. As proposed, deteriorated concrete on the underside of the deck would be chipped out by workers operating on a tarp-covered scaffolding or float using a light (30 lb) pneumatic chipping tool. Patch material would be hand-applied. Topical concrete products would either be rolled on or applied by squeegee. Concrete would be mixed in two places. For all the underdeck work, the concrete would be mixed underneath the pier on a float or scaffolding. As proposed, the float or scaffolding would be covered by a tarp and all concrete would be contained within the scaffolding or float. There would be a curb constructed on the scaffolding or float around the concrete mixing area for containment. For work on top of the deck, a containment area would be set up on top of the deck. Tarp would be laid down in this area and wood beams would be placed around the perimeter to contain all concrete materials. Concrete debris would be cleaned up and properly disposed of as the work proceeds. For work underneath the deck, concrete debris and repair wastage would be caught by the scaffolding or float below.

4) Application of a penetrating corrosion inhibitor (Surtreat TPS II) to the entire deck (top and underneath) to protect the reinforcing steel:

As proposed, the Surtreat would be roller-applied by workers on the scaffolding or float to the underside of the deck. The Surtreat would either be spray applied or roller applied to the top surface of the deck. If spray applied, a low pressure pump sprayer, similar to those used for applying concrete sealer, would be used to avoid misting. As proposed, the scaffolding and float

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underneath the deck would be covered by a tarp during application of this product, and the scaffolding or float would catch any rolling splatter from this activity and prevent it from entering the harbor waters.

5) Application of an inorganic surface treatment (Surtreat TPS IV or Sicadur 22) to the deck to reduce concrete porosity and tie up free chloride already in the concrete:

As proposed, the application of the Surtreat would be as described above. The Sikadur 22 is an epoxy/sand overlay system. Plastic would be laid down and any holes in the deck would be plugged to prevent epoxy from leaking into the water. The plastic would mask off the areas not receiving the epoxy treatment. The epoxy would be applied and cured followed by the removal of any plastic used around the work area. The deck would then be cleaned using a ball-shot self-vacuuming machine, which bounces small steel balls off of the deck to clean and prepare the concrete for treatment. The vacuuming part cleans the fine concrete material loosed by the steel balls. All waste from the cleaning would be contained in the ball-shot machine.

6) Performance of additional repairs to correct concrete deterioration:

As proposed, isolated concrete spalls (chipping or flaking) along the deck, landing platform, and curbs would be repaired. Deteriorated concrete would be chipped back using a light (30 lb) pneumatic chipping tool, steel would be cleaned, and new concrete and steel placed as necessary. Repair-concrete would either be formed or trowel applied.

7) Installation of stainless steel sleeves in existing drains in the fish buyers' area to dry up the slab, beams pile caps and piles:

As proposed, existing drainage holes would be cored using a portable core drill from above, with the cores being caught from underneath the deck. New sleeves would be installed from above by epoxying them to the existing slab. The underside of the slab would be sealed during construction so that the epoxy does not leak into the water. All work would occur above the MLLW line.

8) Replacement of the existing trapeze utility supports under the pier due to deterioration of the vertical thread bars:

As proposed, one by one the existing utility supports will be removed and replaced by workers working from scaffolding below the pier. As proposed water quality mitigation, the scaffolding would catch debris and all debris would be removed from the job site and will be appropriately disposed.

3.3 Coastal Act Issues

Issues involving repair and maintenance of harbor development must be analyzed with respect to Coastal Act policies concerning water quality and public access.

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3.3.1 Permit Authority, Extraordinary Methods of Repair and Maintenance

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: . . .

- (d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

Section 13252 of the Commission regulations provides, in relevant part:

- (a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

. . .

- (3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

. . .

- (B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

[Emphasis added.]

The proposed project involves repair work to the structure of Johnson Pier that will not result in an addition to, or enlargement or expansion of the pier or seawall. However, Section 13252 of the Commission's regulations requires a coastal development permit for certain extraordinary methods of repair and maintenance enumerated in the regulation. The proposed development involves repair work to a structure located within 20 feet of coastal waters and the work will

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include the presence of both mechanized equipment and construction materials. The proposed repair and maintenance therefore requires a coastal development permit under Section 13252(a)(1) of the Commission's regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development.

Johnson Pier is located seaward of the mean high tide line on state tidelands and submerged lands, within the Commission's retained original permit jurisdiction. The resource protection policies of Chapter 3 of the Coastal Act accordingly form the standard of review for the permit.

3.3.2 Water Quality Protection

The Coastal Act protects marine resources, including water quality, as cited below:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The applicant proposes to use several materials and chemicals for the Johnson Pier repair work, including several cement and repair mortar compounds, epoxy, corrosion inhibitors, and concrete sealer. The proposed concrete products include: Sikacrete 211, a portland-cement containing coarse aggregate, Sikatop III Plus and Sikatop 123, performance repair mortars with penetrating corrosion inhibitors, and Silica fume concrete, a concrete with silica fume added for increased strength and durability. According to the Material Safety Data Sheet (MSDS), Sikacrete 211 and Sikatop 111 Plus contain Portland cement and silica, quartz. Silica, quartz is listed on the National Toxicology Program for carcinogenicity and regulated by California's Proposition 65. The MSDS instructs to avoid the product's release into the environment and to dampen if necessary to control dust and to vacuum clean it with equipment fitted with HEPA filters. Silica fume concrete, in addition to silicon dioxide (sand), contains calcium oxide, which is corrosive to eyes and skin and dust could cause irritation of the upper respiratory tract. MSDS accidental release measures and handling/storage measures state that silica fume concrete should be prevented from spilling into waterways and sewers, and it will harden upon contact with water.

The proposed chemicals include: Sikadur 22 Lo Mod, an epoxy-resin binder for a sand broadcast overlay, Surtreat TPS II and Surtreat TPS XII, penetrating corrosion inhibitors, and Surtreat TPS IV, a penetrating concrete sealer. According to the MSDS, Sikadur 22 Low Mod-Part A is an epoxy compound composed of an aromatic hydrocarbon blend and epoxy resin, and Part B is a hardening compound composed of nonyl phenol and a proprietary blend of cyclic and aliphatic amines. The MSDS sheet instructs to avoid the products' release into the environment, that appropriate protective equipment be worn, and that spills should be contained and collected with absorbent material. Surtreat TPS II is a proprietary blend of corrosion inhibitor in a water carrier, according to the MSDS sheet, and contains no hazardous ingredients. TPS IV is a proprietary blend of surfactants used to improve the properties of Portland cement concrete in a water carrier. According to the MSDS, TPS IV also contains no hazardous ingredients. TPS XII is a proprietary blend of vapor phase corrosion inhibitor in a water carrier, and it contains one hazardous ingredient, Ethylene glycol N-butyl ether, however it does not contain any hazardous chemicals as defined in 40 CFR (Code of Federal Regulations) 260. The spill procedures for all Surtreat products are to contain the spill and collect it with absorbent material, and that suitable protective equipment should be worn.

Because of the location of the pier directly above the waters of the harbor, the potential exists for concrete removed from the structure and other debris, as well as construction materials and the chemicals and compounds described above, to fall or be discharged into the ocean. Allowing such debris or materials to enter the ocean could adversely affect water quality and marine organisms, inconsistent with Coastal Act Section 30231 and 30232. The applicant proposes several measures to prevent materials from entering the waters of the harbor, including the use of a float or scaffolding underneath the pier to catch materials during the deck underside repairs, to clean up and dispose of all debris/materials, to set up physical containments during the mixing of concrete, and the adoption of careful repair methods, such as hand application of treatments with squeegees to the underside of the deck (see Section 3.2 "Project Description").

These measures provide a good start to protecting the water quality of the harbor, however some additional measures or best management practices (BMPs) are needed to ensure that chemicals,

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debris, and other construction materials don't accidentally fall into or drip into the waters of the harbor to protect the water quality of the harbor, consistent with Coastal Act Section 30231. Therefore, the Commission imposes **Special Condition 1**, which requires the applicant to incorporate specific BMPs outlined in the condition, including requiring work beneath the pier to be conducted from scaffolding rather than a float to reduce the risk of accidental spills, the use of tarps, netting and other, similar containment devices beneath the scaffolding to capture and contain debris and construction materials and prevent them from entering sensitive habitat or coastal waters, requiring certain chemical application methods to be employed, as proposed by the applicant, including the use of hand rollers and sealing any holes in the deck, and placing plastic prior to their application.

Pursuant to Coastal Act Section 30232, the proposed development must be undertaken in a manner that protects against spillage of hazardous materials and the applicant is required to provide effective containment and cleanup facilities and procedures in case of accidental spills. On May 24, 2006, the applicant has submitted a Spill Prevention, Control and Countermeasures (SPCC) Plan, dated May 22, 2006 that outlines the emergency responses to be taken in the event of an accidental release of fuel, oil, concrete/mortar products, penetrating corrosion inhibitors, penetrating sealers, and epoxy compounds on site, including containment measures, clean up facilities and materials, reporting protocols, and employee training measures. To ensure that the development is conducted in accordance with the above plan, the Commission also imposes **Special Condition 2**.

The Commission finds that the project, as conditioned, protects the biological productivity and the quality of coastal waters in conformity with Section 30230, 30231 and 30232 of the Coastal Act.

3.3.3 Public Access

Coastal Act Section 30210 states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30214 states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

...

(2) The capacity of the site to sustain use and at what level of intensity.

The applicant proposes to stage repair work in two separate phases to avoid closing the pier to the public. Phase 1 would consist of repair to the east side of the deck, and Phase 2 would consist of repair to the west side. A ten-foot-wide lane on the pier would be maintained throughout the project. The proposed phasing of work would ensure that public access is maintained on the piers throughout the construction period.

In addition, the applicant is proposing to place a contractor's trailer and "laydown" area for storage of construction materials in the paved parking area just south of the pier and northwest of the overflow parking area (Exhibits 2 and 4) occupying two handicap accessible parking spaces, and construction workers will require approximately six additional personal vehicle parking spaces in the C lot. The occupation of eight vehicle parking spaces including two handicap spaces could adversely affect public access, including handicapped access, to the harbor by limiting its ability to park its vehicles at the harbor or close to the pier for those members of the public with physical disabilities, inconsistent with Coastal Act Sections 30210, 30211, and 30214. However, as proposed, the two handicapped parking spaces would be temporarily re-located to three "two-hour" parking spaces located closer to the pier than the current handicapped spaces, thereby providing adequate handicapped parking access, and Johnson Pier does contain several parking areas open to the rest of the public both north and south of the pier. Provided the construction activities do not exceed the eight parking spaces proposed, the remaining parking spaces would be adequate to serve the public during the temporary construction period, which is proposed to last for approximately 20 weeks. Therefore, in order to ensure that adequate parking space is reserved for the public and handicapped access and that the pier itself remains open to the public, the Commission imposes Special Condition No. 3, which requires that the pier, parking lot, and beach area remain open to the public for use during daylight hours, except for those areas under construction and the eight parking spaces to be used for construction staging and contractor parking, and that the construction staging areas be clearly delineated on the site. As conditioned, the proposed project construction phasing and staging areas provides for maximum public access to the harbor taking into account the capacity of the site to sustain use, consistent with Coastal Act Sections 30210, 30211, and 30214. The Commission further finds that the temporary construction staging area would not impact public access to Surfer's Beach, located to the South of Pillar Point Harbor, as the pier parking area is considerable walking distance from the beach, and beach goers are more likely to park closer to the beach, on Obispo Road or the lot adjacent to the beach.

Therefore, the Commission finds that the proposed project is consistent with the Coastal Act Sections 30210, 30211, and 30214.

3.4 Other Agency Authorizations

3.4.1 U.S. Army Corps of Engineers

The project is within and adjacent to a navigable waterway and is subject to review by the U.S. Army Corps of Engineers (USACE). Pursuant to the Federal Coastal Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the USACE, the Corps will not issue a permit until the Coastal

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Commission either approves a federal consistency certification for the project or approves a coastal development permit. To ensure that the project ultimately approved by the Corps is the same as the project authorized herein, the Commission attaches Special Condition No. 3 that requires the applicant, prior to commencement of development, to demonstrate that all necessary approvals from the USACE for the proposed project have been obtained.

3.4.2 San Francisco Bay Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board regulates water quality in the project area. San Mateo County Harbor District submitted an application to the San Francisco Bay Regional Water Quality Control Board for a water quality certification under Section 401 of the Clean Water Act, and a Conditional Water Quality Certification was issued on April 13, 2006.

3.5 California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

The Commission incorporates its preceding findings on consistency of the proposed project with the Coastal Act policies at this point as if set forth in full. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the development may have on the environment. Therefore, the Commission finds that the proposed project has been conditioned to mitigate the identified impacts and can be found consistent with Coastal Act requirements to conform to CEQA.

EXHIBITS:

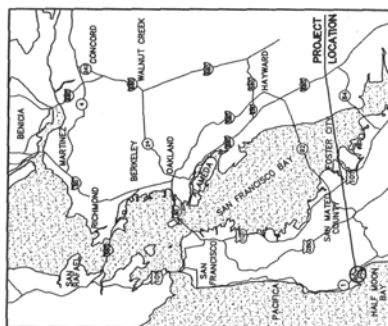
1. Location Map and Project Plans
2. Johnson Pier and Near Vicinity
3. Johnson Pier and Expanded Vicinity
4. Contractor Staging and Parking Area

Appendix A

Substantive File Documents

References

- Cuprinol Group. 2000. Material Safety Data Sheet for No. 10 Green Preservative (Copper Naphthenate). October 24, 2000.
- Sika. 2005. Material Safety Data Sheet for Sikacrete 211. March 30, 2005.
- Sika. 2003. Material Safety Data Sheet for Sikadur 21, Lo-Mod LV/Sikadur 22, Lo Mod – Part A. May 19, 2003.
- Sika. 2001. Material Safety Data Sheet for Sikadur 22 Lo Mod Part B. August 29, 2001.
- Sika. 2001. Material Safety Data Sheet for Sikatop 111 Plus/121 Plus/122 Plus/123 Plus. July 5, 2001.
- Surtreat. 2004 Material Safety Data Sheet for TPS II. February 2004.
- Surtreat. 2004 Material Safety Data Sheet for TPS IV. February 2004.
- Surtreat. 2004. Material Safety Data Sheet for TPS XII. March 2004.
- Surtreat. 2003. Technical Data Sheet for TPS II. October 2003
- Surtreat. 2003. Technical Data Sheet for TPS IV. October 2003.
- Surtreat. 2003. Technical Data Sheet for TPS XII. October 2003.
- Target. 2005. Material Safety Data Sheet for Target 35MPa Concrete with Silica Fume. July 5, 2005.



INDEX OF DRAWINGS		
SHEET NUMBER	DRAWING NUMBER	TITLE
1	G1	TITLE SHEET, VIGNETTE MAP, LOCATION MAP & INDEX OF DRAWINGS
2	S1	TOPSIDE REPAIR PLAN
3	S2	UNDERSIDE REPAIR PLAN
4	S3	REPAIR DETAILS, SHEET 1
5	S4	REPAIR DETAILS, SHEET 2
6	S5	REPAIR DETAILS, SHEET 3
7	S6	UTILITY PLAN
8	S7	DECK PENETRATION DETAILS

GENERAL NOTES:

ABBREVIATIONS:

AND
AT
ASPHALT CONCRETE
AMERICAN SOCIETY OF
TESTING AND MATERIALS
CENTERLINE
CONCRETE
CONTINUOUS
CUTTER
EXISTING
ELEVATION
ELEVATION (1000
MAXIMUM
NEW TO SCALE
ON CENTER
ORIGINAL GROUND
RADIUS
REINFORCEMENT
TOP OF CURB
TYPICAL
WELDED WIRE FABRIC

CROSS-REFERENCE LEGEND

SECTION OR DETAIL IDENTIFICATION SEE NOTE


REFERENCE SHEET FROM WHICH SECTION OR DETAIL IS SHOWN

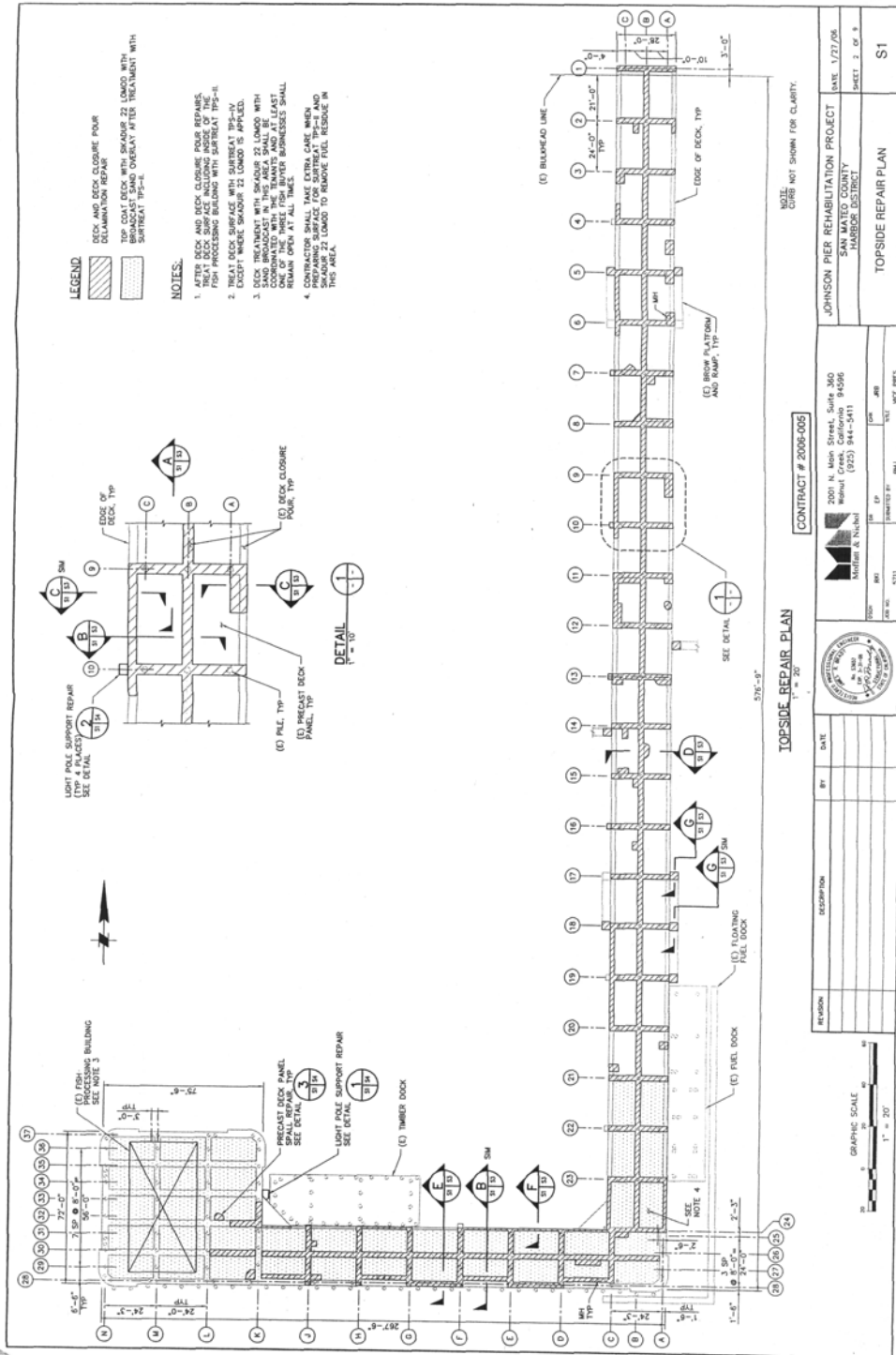
NOTE: LETTER INDICATES SECTION, NUMBER INDICATES DETAIL. CROSS REFERENCE SHEET INDICATED, IT MEANS THE DETAIL OR SECTION IS REFERENCED SHOWN ON THE SAME SHEET

REFERENCE SHEET FROM WHICH SECTION OR DETAIL IS TAKEN

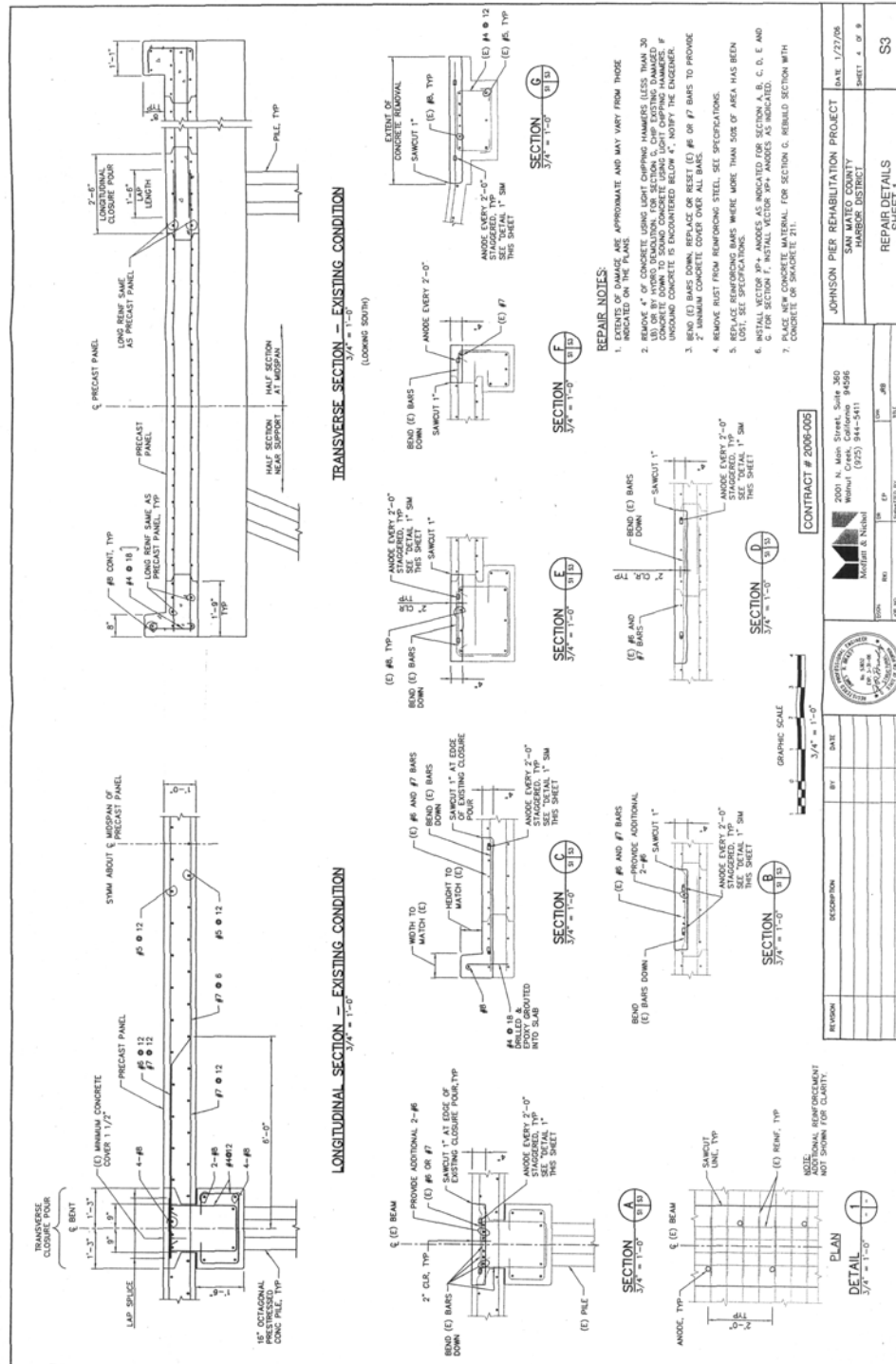
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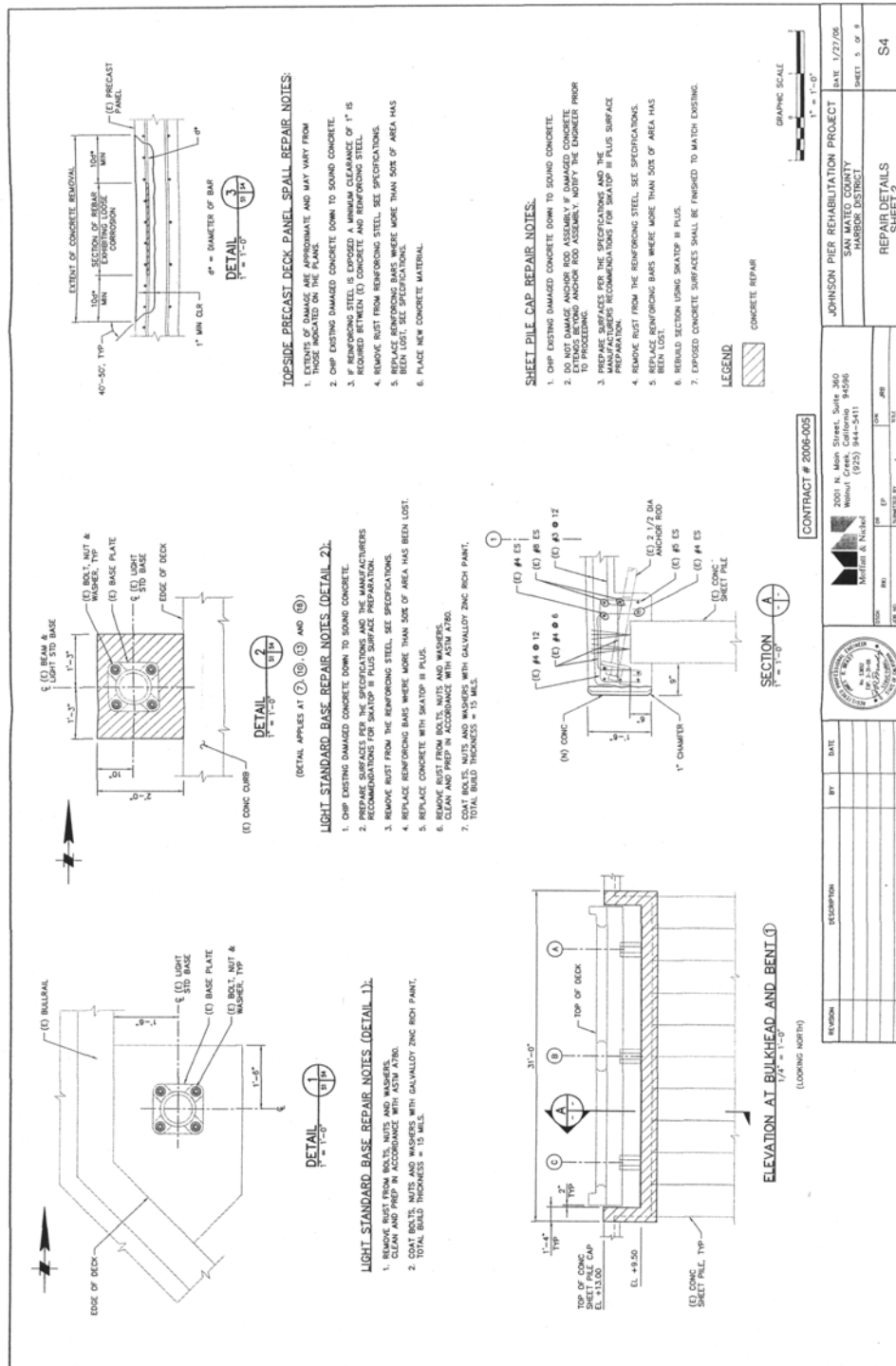
EXHIBIT NO.	1
APPLICATION NO.	2-06-002
SAN MATEO COUNTY HARBOR DISTRICT	
Location Map & Project Plans	

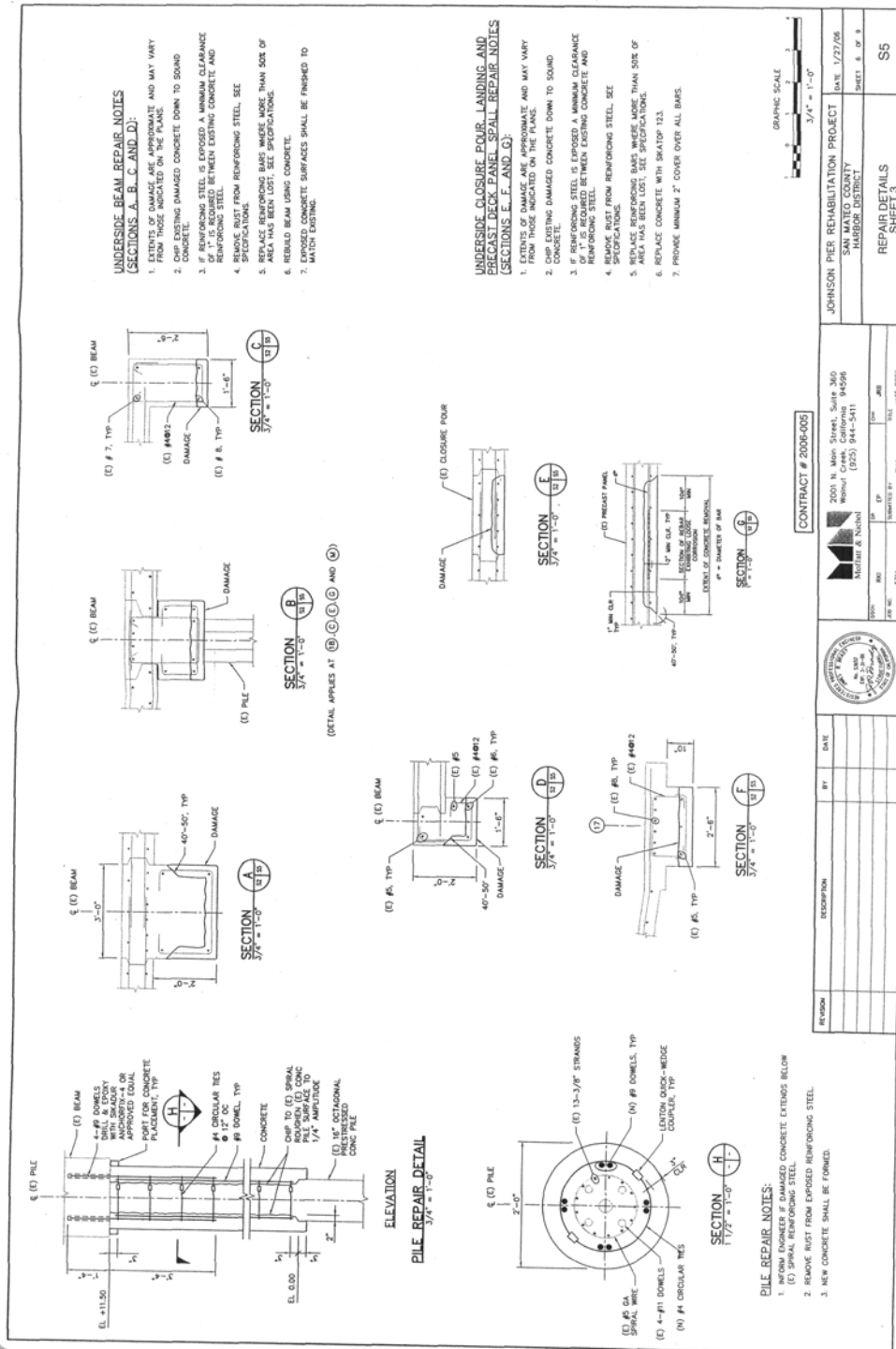
REVISION	DESCRIPTION	BY	DATE	 Moritz & Nisichen	2001 N. Main Street, Suite 340 Walnut Creek, California 94596 (925) 944-5411	JOHNSON PIER REHABILITATION PROJECT SAN MATEO COUNTY HARBOR DISTRICT	DATE 7/23/06 SHEET 1 OF 3
TITLE SHEET VICINITY MAP LOCATION MAP AND INDEX MAP				8076 JORDANITALE			

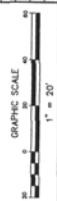


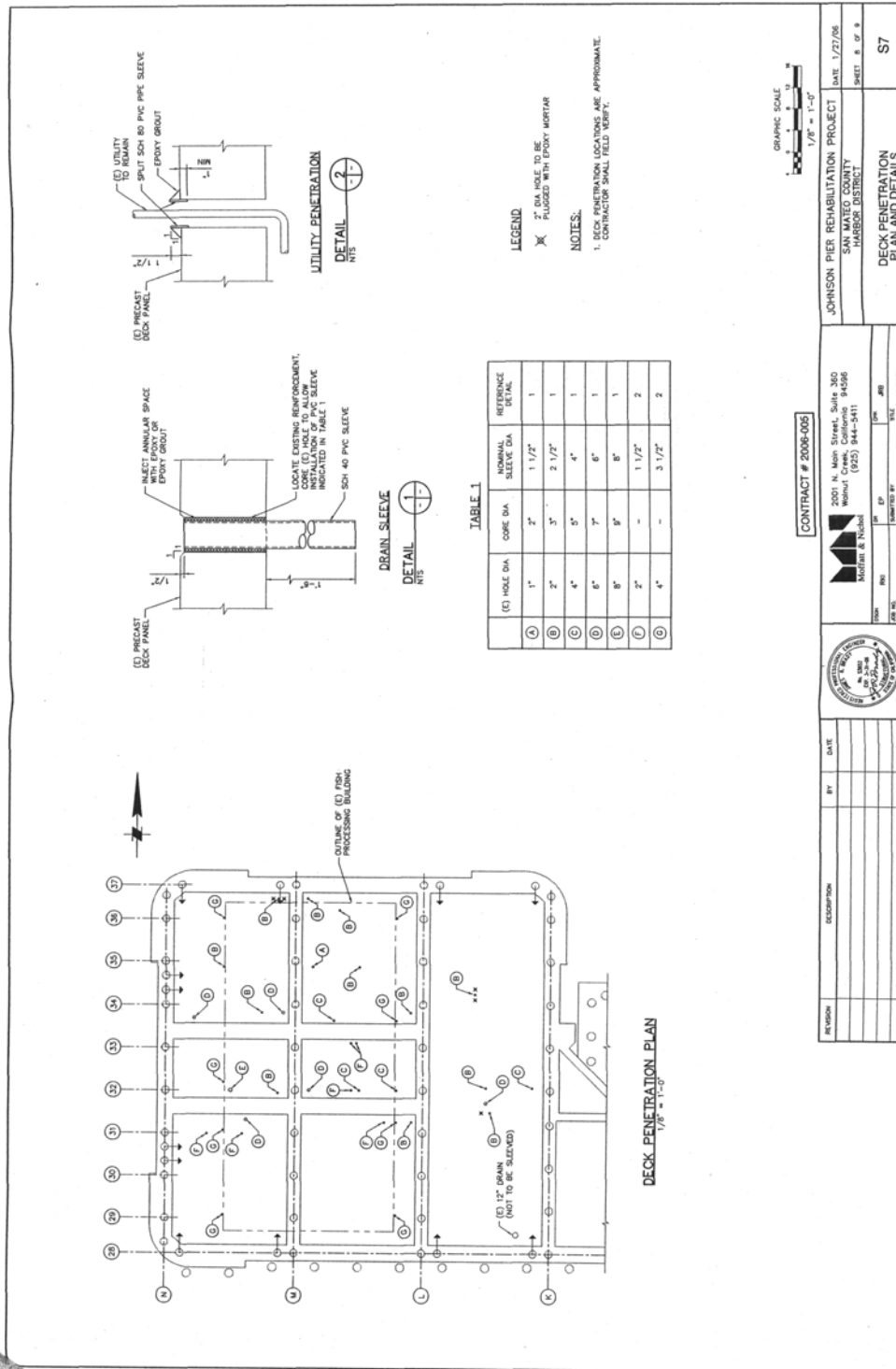


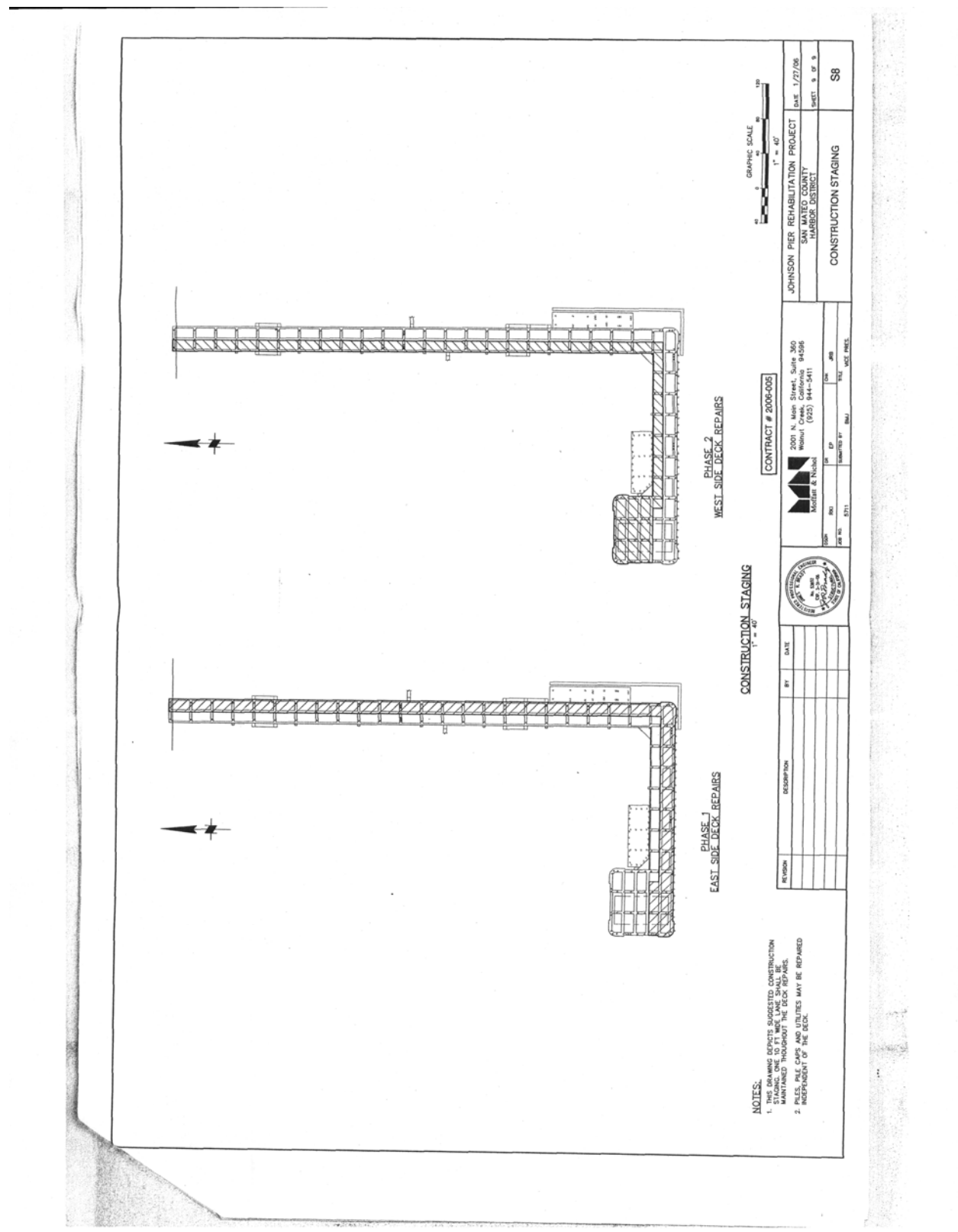




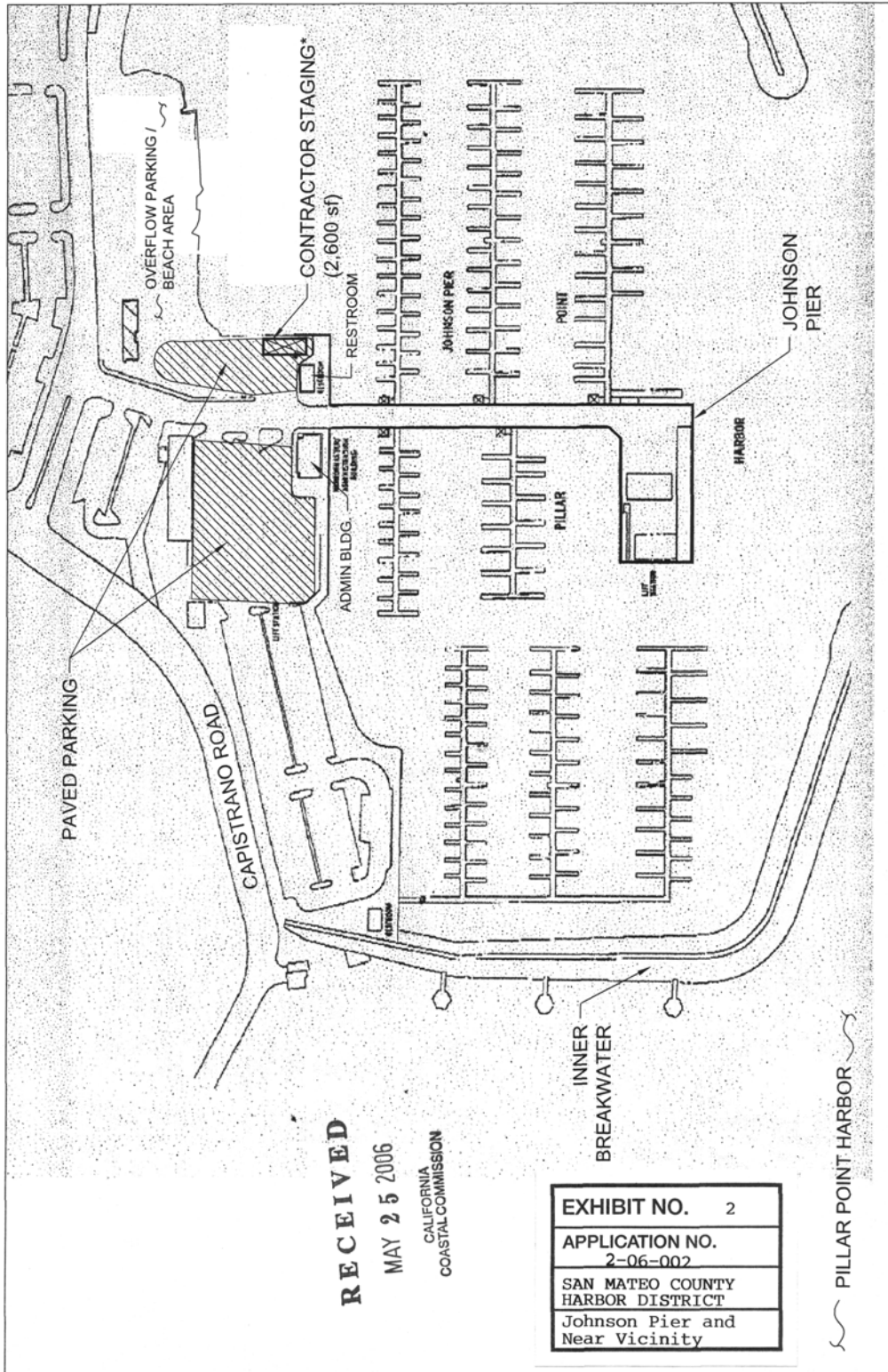








5/26/06



JOHNSON PIER AND NEAR VICINITY

*The Contractor Staging Area is located at the site of two current handicapped spots. These spots will be temporarily relocated during construction.



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